

MEMORANDUM

TO: Rachel Potter
Jameela Akbari
Office of Management and Budget

FROM: Troy Justesen

SUBJECT: Responses to Public Comments Received on the OMB Collection 1830-0029,
*"Guide for the Submission of State Plans Pursuant to the Carl D. Perkins Career
and Technical Education Act of 2006"*

Attached are the Department's responses to comments received by the December 5, 2006, submission deadline on the Office of Management and Budget (OMB) collection 1830-0029 *"Guide for the Submission of State Plans Pursuant to the Carl D. Perkins Career and Technical Education Act of 2006."* The Department received a total of twenty-eight (28) comments—twenty-seven (27) comments through the Federal Register notification process and one (1) comment directly to our office. Comments were received from individuals representing all levels of career and technical education—federal, State, and local. The majority of comments focused on the timelines and submission requirements for the accountability section of the State plan guide. The comments are summarized by topical area in the chart below.

Also please note that the Department has added into the cover memo and State plan guide instructions for any State that wishes to submit a unified plan under section 501 of Public Law 105-220 (the Workforce Investment Act).

If you have questions pertaining to this document, please feel free to contact Dale King, Director of the Office of Vocational and Adult Education's (OVAE's) Policy, Research, and Evaluation Office via e-mail at dale.king2@ed.gov or phone at 202-245-7405.

Attachment

Topic/Comment	Number of Commenters	Department Response
<i>State Plans</i>		
<ul style="list-style-type: none"> The guide should reference the fact that, if a State is submitting a 1-year transition plan, it should allow its eligible recipients to also submit a 1-year transition plan that may not meet every requirement of section 124(b) of the Act. 	1	The Department concurs and has made this change in the State plan guide.
<ul style="list-style-type: none"> The item in Part I, A5 needs to be reworded “the State agency responsible for secondary CTE education.” 	1	The Department has maintained the language in the State plan guide as it was taken verbatim from the legislation.
<ul style="list-style-type: none"> Several of the items in Part II, A2 (a1) can only be answered <i>after</i> a transition year. 	1	The Department understands that many States do not yet have career and technical education programs of study that fully meet the requirements of the new law. However, the Department reiterates its intent to have States submit in their one-year transition plans their <i>planning process</i> for developing its program of study as indicated in the instructions on page 12 of the guide.
<ul style="list-style-type: none"> Part II, A3 needs a definition for “comprehensive.” 	1	The Department will soon issue a non-regulatory “Questions and Answers” guidance document which will provide a more thorough definition for comprehensive professional development programs.
<ul style="list-style-type: none"> Part II, C needs to include the Web site where the program memo may be located. 	1	The Department concurs and has made this change in the State plan guide.

Accountability – Student Definitions

<ul style="list-style-type: none">The Department should include definitions for “participant,” “concentrator,” and “completer” in the guide to promote the collection of common data nationally.	1	<p>The Department will soon issue a non-regulatory guidance document containing recommended student definitions for the core indicators of performance. Please note that after further consideration of the student definitions, the Department has changed the labels that are requested in the State plan guide. At both secondary and postsecondary levels, “participant” has been eliminated as this label is not used for purposes of reporting accountability data (only for enrollment information which is not part of this information collection). At the secondary level, the Department has added the label “investor” and removed the label “completer” to more thoroughly capture the students who participate in career and technical education programs nationally.</p>
<ul style="list-style-type: none">The Department should include definitions for the terms “single parent” and “economically disadvantaged” in the guide.	1	<p>The Department is considering re-issuing the definitions for these student populations that were originally contained in regulations under the Carl D. Perkins Vocational and Technical Education Act of 1990 (Perkins II).</p>

Accountability – Academic Attainment Indicators

<ul style="list-style-type: none">NCLB academic attainment indicators should be reporting requirements and not regulated indicators. (This is due to the fact that the NCLB exams in many States are given prior to student involvement in CTE and are, therefore, meaningless in determining the impact or contribution of CTE.)	22	or targets for graduation rate under the ESEA. If the Secretary decides to regulate on this issue and adopts final rules, a State may be required to amend its State plan.
<ul style="list-style-type: none">States should be able to establish an alternative measurement for academic assessment, such as graduation rate, that occur after or near completion of a CTE program.	4	The Department has maintained the language in the State plan guide and expects each State to use the proficient level or above on the State's ESEA assessments for the secondary student academic attainment core indicator of performance as indicated in section 113(b)(2)(A)(i) of the Act.

Accountability – Technical Skill Indicator

<ul style="list-style-type: none">States should be able to utilize measures other than “technical skill assessments” to measure technical skill proficiency. Among the possible measures might be competency attainment, industry certification, postsecondary articulation tests, and dual credit.	4	The Department will soon issue a non-regulatory guidance document containing recommended measurement approaches for the core indicators of performance, including technical skill proficiency.
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Accountability – GED Indicator

<ul style="list-style-type: none">The Department should reconsider its approach to gathering information on GEDs because students who drop out (at least in PA) do not return to the high school to get their GED. They go adult basic education programs which are supported by an entirely different funding source.	1	The Department will soon issue a non-regulatory guidance document containing recommended measurement approaches for the core indicators of performance, including GED attainment.
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Accountability – Nontraditional Indicators

<ul style="list-style-type: none">Non-traditional indicators should be reporting requirements and not regulated indicators	16	The Department will continue to negotiate on and hold States accountable for the secondary and postsecondary nontraditional indicators in sections 113(b)(2)(A)(vi) and 113(b)(2)(B)(v) of the Act, respectively, although the Department has moved to consolidate the nontraditional indicators into one measure.
<ul style="list-style-type: none">While States should report on two separate measures for nontraditional (participation and completion), States should be held accountable for only one performance level and the Department should bundle the two separate scores.	3	The Department concurs and has made this change in the State plan guide.
<ul style="list-style-type: none">The Department should retain separate participation and completion indicators for the nontraditional core indicator.	1	The Department believes that nontraditional participation and completion can be effectively combined into one measure at each the secondary and postsecondary level without compromising Congressional intent or State and local accountability for students who pursue nontraditional programs.
<ul style="list-style-type: none">The Department should include a national crosswalk of nontraditional occupations and classification of instructional programs in the guide.	1	The Department concurs and has added this information into the State plan guide.

Accountability – Timelines for Negotiation

- Accountability timelines do not provide sufficient time for States to obtain input from eligible recipients on measurement definitions and approaches and to reach agreement with eligible recipients on local adjusted levels of performance before the April 2007 State plan submission.

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The Department will continue to require States to submit their proposed student definitions and measurement approaches for the core indicators of performance in their new State plan submission. However, the Department concurs that not enough time is available for States that choose to submit one-year transition plans to reach agreement with their eligible recipients on local adjusted levels of performance, with the exception of the core indicators for academic attainment and graduation rates for which States have negotiated Annual Measurable Objectives (AMOs) and Annual Yearly Progress (AYP) under the NCLB. Therefore, the Department has removed the requirement for States to submit their State adjusted levels of performance for their core indicators (with the exception of the academic attainment and graduation rates) in their April 2007 plan submission. This action will allow States more time to negotiate local adjusted levels of performance with their eligible recipients. States will be required to submit this information when they submit their full five-year plan prior to the second program year (July 1, 2008 – June 30, 2009).

Accountability – Timelines for Negotiation (con't)

<ul style="list-style-type: none"> States should not be held accountable for performance levels for first two years from baselines that are derived from 2005-06 baseline data representing performance under Perkins III. 	1	The Department concurs and has removed this requirement for States that opt to submit a one-year transition plan. States will be required to submit baseline data for the core indicators of performance when they submit their full five-year plan prior to the second program year (July 1, 2008 – June 30, 2009).
<ul style="list-style-type: none"> States should not be required to establish and identify measurement definitions and approaches in their new State plans as this will not give States sufficient time to obtain input from eligible recipients, develop valid and reliable approaches, and align the Perkins IV core indicators with other State and federal accountability requirements. 	5	The Department will continue to require States to submit their proposed student definitions and measurement approaches for the core indicators of performance in their new State plan submission, whether the State opts to submit a one-year transition or six-year State plan. However, the Department concurs that insufficient time is available for States to gather baseline data and negotiate State and local adjusted levels of performance, with the exception of academic attainment and graduation rates as described above) and has removed these requirements from the State plan guide.

Accountability –Establishing Baseline Data

<ul style="list-style-type: none"> Baseline data may not be available from 2005-06 for 1S1 and 1S2 (academic attainment in reading/language arts and mathematics) and 4S1 (graduation rates) since these are new measures under the Perkins IV law. 	1	The Department will continue to require each State to submit baseline data for the core indicators of academic achievement and graduation rates as each State has its NCLB data available for the 2005-06 program year.
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Accountability –Establishing Baseline Data (con't)

<ul style="list-style-type: none"> Baseline data may not be available from 2005-06 for 2P1 (attainment of an industry certificate) and States may need up to two years to collect this information. 	2	The Department concurs that insufficient time is available for States to gather baseline data for attainment of an industry certificate and has removed this requirement from the State plan guide for States that opt to submit a one-year transition plan.
<ul style="list-style-type: none"> Baseline data may not be available from 2005-06 for many of the new indicators in Perkins IV. States should be allowed to use the first full year of Perkins IV as a transition year to modify their data systems and establish new baselines. 	4	The Department concurs that insufficient time is available for States to gather baseline data for many of the new indicators in Perkins IV and has removed this requirement from the State plan guide for States that opt to submit a one-year transition plan.
<ul style="list-style-type: none"> Baseline data should be set using multi-year analysis of their data. 	1	A State may use its rolling average as its baseline data for any of the core indicators of performance that do not require a change in student definition, measurement definition, or measurement approach.

Accountability –Negotiating Performance Levels

<ul style="list-style-type: none"> The State plan guide indicates OVAE's intent to pre-populate the FAUPL forms for the academic attainment and graduation rates indicators with the State's AMOs. This language seems to infer that there is no flexibility for States to negotiate a performance level other than its AMOs. Nothing in the Perkins Act requires that the Perkins' performance targets be the same as a State's AMOs. 	1	The Department will only prepopulate the AMOs on a State's FAUPL <i>at the request of the State</i> . This stipulation is provided on page 42 of the guide.
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Accountability –Negotiating Performance Levels (con't)

<ul style="list-style-type: none"> States should be allowed to require their eligible recipients to use the same performance levels that the State negotiated with the Department. 	3	A State must negotiate performance levels with its eligible recipients only in cases where one or more eligible recipients choose not to accept the State adjusted levels of performance as described in section 112(C)(10)(B). Further, section 122(c)(10) of the Act requires each eligible agency, in consultation with eligible recipients, to describe in its State plan how it will develop a process for the negotiation of local adjusted levels of performance under section 113(b)(4) of the Act is an eligible recipient does not accept the State adjusted levels of performance under section 113(b)(3) of the Act.
<ul style="list-style-type: none"> States must have the authority to set local targets above the State adjusted level so it will be possible for the State to meet its targets. 	1	A State has the authority to negotiate local adjusted levels of performance that are above the State adjusted level of performance with any eligible recipient that chooses to accept the higher levels.
<i>Accountability – Number and Wording of Proposed Indicators</i>		
<ul style="list-style-type: none"> States should be held accountable only for the clearly itemized 11 indicators (six (6) for secondary and five (5) for postsecondary) in the Perkins IV law. 	3	The Department has reconsidered how many accountability indicators that States should be held accountable for and has made this change in the State plan guide. The new configuration designates 12 core indicators, 7 for secondary and 5 for postsecondary.

Accountability – Number and Wording of Proposed Indicators (con't)

<ul style="list-style-type: none"> 3S1, 3S2, and 3S3 are all minor variations on the 4S1 indicator. The Department should negotiate on the 4S1 indicator, but only have States report on the other indicators. 	1	The Department has reconsidered the configuration of the secondary indicators and has made these changes in the State plan guide. The new configuration designates one indicator for high school completion and one indicator for graduation rate for which States will be held accountable.
<ul style="list-style-type: none"> Some particular indicators do not make sense in how they are listed, for example the 3S measures: secondary school diploma, GED, and diploma and credential. Performance could well improve on one of these measures at the expense of others. Also questioned was whether a State's target for GEDs awarded should increase or decrease. 	2	The Department has reconsidered the configuration of the secondary indicators and has made these changes in the State plan guide. The new configuration designates one indicator for high school completion for graduation rate for which States will be held accountable. The Department will soon issue non-regulatory guidance to clarify how States should report data on secondary school diploma, GED, and diploma and credential under the high school completion measure.
<ul style="list-style-type: none"> Another illogical indicator is 2P1 which lists only "industry certificate attainment." Missing is a reference of credential or degree which are also in the legislation. 	3	The Department concurs and has made the appropriate change in the State plan guide.
<ul style="list-style-type: none"> The postsecondary indicator 3P1 is titled "student retention," but the actual Perkins IV language includes "transfer to a baccalaureate degree program." 	1	The Department concurs and has made the appropriate change in the State plan guide.

Accountability – Proposed Performance Levels (AMOs) for Academic Attainment and Graduation Rates

- The proposed references to AMO and AYP in negotiating performance levels under the Perkins IV Act are inappropriate and create an unintended burden for the States. Congress made no reference to AMOs or AYP in the Perkins IV legislation.

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The Department has maintained its references to AMO and AYP in the State plan guide. The Department believes that the Perkins IV Act is unambiguous in its intent for each State to report on the academic attainment of its career and technical education students using the proficient level or above on the State's ESEA assessments and graduation rates using its NCLB calculation. The Department expects that career and technical education students will be taught to the same standards and expected to meet the same standards as all other students in the State. It is, therefore, appropriate that each State consider using its Annual Measurable Objectives (AMOs) that are set for all students as its academic attainment performance levels and graduation rate for its career and technical education students. Further, the Secretary is considering whether to issue regulations requiring a State to agree to "adjusted performance levels" under the Perkins Act that are the same as the State's AMOs or targets for graduation rate under the ESEA. If the Secretary decides to regulate on this issue and adopts final rules, a State may be required to amend its State plan

<i>Accountability – Definition of a Tech-Prep Student</i>		
<ul style="list-style-type: none"> Definition of a “secondary education tech prep student” in the Perkins IV legislation present a data collection and reporting problem because it is not aligned with current definitions for participant, concentrator, or completer. 	1	States are expected to use a definition that corresponds to a tech prep student in reporting data to the Department under sections 113 and/or 203(e) of the Act. The State should use the other student definitions when reporting for all other career and technical education students under section 113 of the Act.
<i>Accountability – Sanctions</i>		
<ul style="list-style-type: none"> Those things for which federal funds can be withheld if a State fails to meet its performance levels should be clearly defined in the State plan guide. 	3	The Department concurs and has made the appropriate change in the State plan guide.
<ul style="list-style-type: none"> The Department needs to issue a clear definition of “valid and reliable.” 	1	The Department is examining options on how to provide guidance to States on definitions and measures for the core indicators so that data is “valid, reliable, and consistent” and meets the requirements of Section 113(b)(E) of the Act that states that “indicators of performance shall be established solely by each eligible agency with input from eligible recipients.”
<i>Provision of Services for Special Populations</i>		
<ul style="list-style-type: none"> The procedural suggestions for the provision of services for special populations regarding local plan applications should be expanded to include proposed expenditures for these programs, services, and activities. 	1	The Department concurs and has made the appropriate change in the State plan guide.

<i>EDGAR Certifications</i>		
<ul style="list-style-type: none"> The URLs for many of the assurance forms are not available. 	1	The Department concurs and has made the appropriate change in the State plan guide.
<i>Tech Prep Programs</i>		
<ul style="list-style-type: none"> It may not be possible for States which choose to submit a transition plan to know in advance which tech prep consortia will be funded and including this information in the State plan may not be possible. 	1	The Department concurs and will remove this requirement from the transition plan requirements.